

IN RE: PETITION FOR ZONING VARIANCE *
154.18 ft. N.W. of C/1 *
Chatsworth & Sacred Heart Lane *
Sacred Heart Church *
11th Election District *
3rd Councilmanic District *
Most Rev. William H. Keeler *
Roman Catholic Archbishop of *
Baltimore, a Corporation Sole *
Legal Owner *
Chatsworth Partnership *
Contract Purchaser *
Petitioner *

BEFORE THE
ZONING COMMISSIONER
OF BALTIMORE COUNTY
Case No. 92-170-A

FINDINGS OF FACT AND CONCLUSIONS OF LAW

This matter comes before the Zoning Commissioner as a Petition for Zoning Variance for that parcel of land known as the Sacred Heart property located in Glyndon. Currently, the property is owned by the Catholic Church but is under contract to be sold to the Developer/Petitioner, Chatsworth Partnership. The specific variances requested are; (1) from Section 1B01.2.C.1 to permit a 20 and 25 ft. distance between buildings of 10-40 ft. in height in lieu of the required 40 ft.; (2) from Section 1B01.2.C.2.b. to permit a distance of 20 ft. between the Centers of facing windows in lieu of the required 40 ft.; (3) from Section 504 and Section V.B.6.v (CMDF) to permit distances of 5 ft. and 10 ft. from a window to a side yard lot line in lieu of the required 15 ft.; (4) from Section 1B01.2.C.2.a. to permit a distance of 30 ft. from a tract boundary to a window in lieu of the required 35 ft.; and (5) from Section 504 and Section V.B.6.a (CMDF) to permit a distance of 15 ft. from a proposed right of way to a window in lieu of the required 25 ft., all as more particularly described on Petitioner's Exhibit No. 1.

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Date 12/13/91
By [Signature]

Richard Azrael, a principal/partner in the Chatsworth Partnership appeared at the hearing and testified on behalf of the Petitioner. Also appearing and testifying on behalf of the Petition was J. Strong Smith, the engineer who developed the site plan and Dennis Jankiewicz, an architect with the firm of Columbia Design Collective. Also appearing on behalf of the Petition, but not testifying, was Gordon L. Greenspun, a partner of Chatsworth Partnership. Representing the partnership was Newton A. Williams, Esquire.

Appearing in opposition to the Petition were numerous residents of the subject community. They included both Ellen Cray and Robert Imm, both of whom testified in opposition to the Petition. Prior to addressing the testimony presented, the scope and breadth of this opinion must be addressed. This opinion does not address whether any development should be permitted on this property or whether the residential development, as proposed, is proper. The County Council, by the zoning of this subject site, as D.R.3.5, has determined that residential development is permissible. Further, the record reflects that the County Review Group (CRG) approved the proposed development. The CRG's decision was affirmed by Order of the Board of Appeals of Baltimore County dated March 7, 1991. Thus, issues as to the propriety of the development are not before me. Instead, my decision must address the narrow issues before me. That is, whether the subject variances are permissible pursuant to Section 307 of the B.C.Z.R.

As indicated above, Richard Israel of Chatsworth Partnership provided extensive testimony regarding the history of this property. He indicated that the catholic church located immediately across the street is under contract to sell 33 acres to the developer. Although the contract has not

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been consummated pending zoning approval of the subject variances, the developer proposes to place residential development on site.

Mr. Israel also testified that, although the development was originally intended to be 33 acres, it has been scaled back significantly. Specifically, approximately 5.61 acres, shown on the site plan as lot No. 98, have been retained by the church. This acreage contains an athletic field and open space. Further, an appreciable portion of the site is undevelopable. Mr. Israel explained in detail that the site features numerous constraints which prohibit development to its full permitted density. That is, although 115 dwellings would be permitted under the applicable density, only 94 are proposed. These included 65 townhome units and 29 single family houses. The reason behind the reduction in the development is directly attributable to the features of this site. In particular, the property is transected by a stream which runs roughly from the northeast to the southwest through the center of the site and also features an existing pond. Further, the site is very flat and the northwest quadrant is undevelopable, due to the existence of wetlands thereon. In view of these site constraints, Mr. Azrael testified that the proposed plan has been formulated.

He explained in detail how his is a market driven company and the variances are necessary in order to build an attractive and marketable house which will appeal to that segment of the public to which this project is geared. He also described in detail the architectural concerns which form a basis of his claim that practical difficulty/undue hardship would result if the variances were denied. That is, he desires to build a house which will be both esthetically pleasing and marketable.

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Also testifying on behalf of the Petition was J. Strong Smith of Stephens and Associates. He corroborated Mr. Azrael's testimony and noted that 4 of the variances, identified as Nos. 2 thru 5 on the Petition, would not be necessary if proposed revisions to the Comprehensive Manual Development Policy are adopted. That is, Mr. Smith currently serves as a Committeeman on a body which is reviewing the setback requirements adopted by the B.C.Z.R. and found within the CMDF. This Committee has made its recommendations and legislation is pending before the County Council. If this legislation is adopted into law, as expected, variances Nos. 2 thru 5 would be unnecessary. Although, his testimony is valuable in obtaining an understanding as to the scope of the requested variances, it is equally clear that the matter before me must be evaluated within the context of the present regulations.

Lastly, appearing in favor of the Petition was Dennis Jankiewicz, the architect for the project. He also corroborated Mr. Azrael's testimony and discussed in detail the proposed architectural designs for the detached and townhouse units. In order to provide the developer with the flexibility and variety necessary to produce an esthetically pleasing product, he opined that the variances were necessary.

Appearing in opposition to the Petition was Ms. Ellen Cray. Although she understood that the development had received approval by the CRG process, she voiced concerns as to the great number of lots which required variances. She also believes that as much open space as possible should be preserved. Although her arguments are well considered, there is no constraint, at law, as to the number of individual lots on which variances may be sought. In fact, the scheme of the development suggest that there should be uniformity throughout the development. Further, the testimony

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of the expert witnesses was particularly persuasive that the developers plan would be more in harmony with the locale than blinded adherence to the zoning regulations.

Lastly, testifying in opposition was Robert Imm. He objects to any additional development and voiced a rather strong opinion that this open space should be preserved. Again, that issue has already been decided and is not currently before me.

An area variance may be granted where strict application of the zoning regulations would cause practical difficulty to the Petitioner and his property. McLean v. Soley, 270 Md. 208 (1973). To prove practical difficulty for an area variance, the Petitioner must meet the following:

- 1) whether strict compliance with requirement would unreasonably prevent the use of the property for a permitted purpose or render conformance unnecessarily burdensome;
- 2) whether the grant would do substantial injustice to applicant as well as other property owners in the district or whether a lesser relaxation than that applied for would give substantial relief; and
- 3) whether relief can be granted in such fashion that the spirit of the ordinance will be observed and public safety and welfare secured.

Anderson v. Bd. of Appeals, Town of Chesapeake Beach, 22 Md. App. 28 (1974).

It is clear from the testimony that if the variance is granted, such use as proposed would not be contrary to the spirit of the B.C.Z.R. and would not result in substantial detriment to the public good.

After due consideration of the testimony and evidence presented, it is clear that a practical difficulty or unreasonable hardship would result if the variance was not granted. It has been established that the require-

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ments from which the Petitioner seeks relief would unduly restrict the use of the land due to the special conditions unique to this particular parcel. In addition, the variance requested will not be detrimental to the public health, safety and general welfare.

Pursuant to the advertisement, posting of the property, and public hearing on this Petition held, and for the reasons given above, the relief requested should be granted.

THEREFORE, IT IS ORDERED by the Zoning Commissioner for Baltimore County this 2nd day of December, 1991 that a variance from Section 1B01.2.C.1 to permit a 20 and 25 ft. distance between buildings of 30-40 ft. in height, in lieu of the required 40 ft., be and is hereby GRANTED; AND,

IT IS FURTHER ORDERED that a variance from Section 1B01.2.C.2.b. to permit a distance of 20 ft. between the Centers of facing windows, in lieu of the required 40 ft., be and is hereby GRANTED; and,

IT IS FURTHER ORDERED that a variance from Section 504 and Section V.B.6.v (CMDF) to permit distances of 5 ft. and 10 ft. from a window to a side yard lot line, in lieu of the required 15 ft., is hereby GRANTED; and

IT IS FURTHER ORDERED that a variance from Section 1B01.2.C.2.a. to permit a distance of 30 ft. from a tract boundary to a window, in lieu of the required 35 ft., be and is hereby GRANTED; and,

IT IS FURTHER ORDERED that a variance from Section 504 and Section V.B.6.a (CMDF) to permit a distance of 15 ft. from a proposed right of way to a window, in lieu of the required 25 ft., in accordance with Petitioner's Exhibit No. 1, be and is hereby GRANTED, subject, however, to the following restriction which are conditions precedent to the relief granted herein:

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Date 12/13/91
By [Signature]

1. The Petitioner may apply for its building permit and be granted same upon receipt of this Order; however, Petitioner is hereby made aware that proceeding at this time is at its own risk until such time as the 30 day appellate process from this Order has expired. If, for whatever reason, this Order is reversed, the Petitioner would be required to return, and be responsible for returning, said property to its original condition.

LAWRENCE E. SCHMIDT
Zoning Commissioner
for Baltimore County

LES:mmn

ORDER RECEIVED FOR FILING
Date 12/13/91
By [Signature]

Baltimore County Government
Zoning Commissioner
Office of Planning and Zoning



111 West Chesapeake Avenue
Towson, MD 21204

887-5353

November 29, 1991

Newton A. Williams, Esquire
700 Court Towers
210 West Pennsylvania Avenue
Towson, Maryland 21204

RE: Petition for Zoning Variance
Most Rev. William H. Keeler, Roman Catholic
Archbishop of Baltimore, a corporation sole, Legal
Owner, Chatsworth Partnership, Contract Purchaser, Petitioner
Case No. 92-170-A

Dear Mr. Williams:

Enclosed please find the decision rendered in the above captioned case. The Petition for Zoning Variance has been granted, in accordance with the attached Order.

In the event the decision rendered is unfavorable to any party, please be advised that any party may file an appeal within thirty (30) days of the date of the Order to the County Board of Appeals. If you require additional information concerning filing an appeal, please feel free to contact our Appeals Clerk at 887-3391.

Very truly yours,

LAWRENCE E. SCHMIDT
Zoning Commissioner

LES:mmn
encl.
cc: Mr. Richard Azrael
Mr. J. Strong Smith
Mr. Dennis Jankiewicz
Ms. Ellen Cray
Mr. Robert Imm

178

PETITION FOR ZONING VARIANCE

TO THE ZONING COMMISSIONER OF BALTIMORE COUNTY: 92-170-A

The undersigned, legal owner(s) of the property situate in Baltimore County and which is described in the description and plat attached hereto and made a part hereof, hereby petition for a Variance from Section 111.1.B.1.2.C.1.1 to permit a 25' foot distance between buildings of 30-40 foot in height in lieu of the required 40 feet. (See attached chart for subject lot numbers). (SEE ATTACHED FOR ADDITIONAL VARIANCE REQUESTS)

of the Zoning Regulations of Baltimore County, to the Zoning Law of Baltimore County, for the following reasons: (Indicate hardship or practical difficulty)

1. The site is very tight, with many constraints on design and layout.
2. The requested variances will result in a better, and more appropriate design, within the townhouse building envelope area and single family area.
3. All of the affected end units either back up to large open space or confront open space and the site will not be crowded or cramped.
4. That without the requested variances, the Petitioners will sustain practical difficulty and unreasonable hardship, and the requested variances are in harmony with the spirit and intent of the Regulations, and, if granted will not harm the health, safety, and welfare of the area involved.

Prosperity is to be posted and advertised as prescribed by Zoning Regulations

I, or we, agree to pay expenses of above Variance advertising, posting, etc., upon filing of this petition, and further agree to and are to be bound by the zoning regulations and resolutions of Baltimore County adopted pursuant to the Zoning Law For Baltimore County

I, We do solemnly declare and affirm, under the penalties of perjury, that I/we are the legal owner(s) of the property which is the subject of this Petition.

Contract Purchaser:
Chatsworth Partnership
(Type or Print Name)
Chatsworth Partnership
Suite 275, Commerce East
1277, Beltsville Road
Pikeland, Maryland 21208

Legal Owner(s):
Most Reverend William H. Keeler, Roman Catholic Archbishop of Baltimore, A Corporation sole
of Baltimore, Maryland
Signature
(Type or Print Name)
Signature
(Type or Print Name)
City and State

Address: 823-7696
Phone No.
Glyndon, Maryland 21077
City and State

Name, address and phone number of legal owner, contact purchaser or representative to be contacted:
Newton A. Williams
700 Court Towers
210 W. Pennsylvania Avenue
Towson, Maryland 21204
City and State

Address: 823-7800
Phone No.
Towson, Maryland 21204
City and State

Attorney for Petitioner:
Newton A. Williams
Nolan, Blushoff & Williams, Chd.
(Type or Print Name)
Signature
700 Court Towers
210 W. Pennsylvania Avenue
Towson, Maryland 21204
City and State

Attorney's Telephone No.: 823-7800
Phone No.
Towson, Maryland 21204
City and State

ORDERED BY the Zoning Commissioner of Baltimore County, this day of 10, 1991, that the subject matter of this petition be advertised, as required by the Zoning Law of Baltimore County, in two newspapers of general circulation throughout Baltimore County, that publish the public, and that the public hearing be held before the Zoning Commission of Baltimore County in Room 108, County Office Building in Towson, Baltimore County, on the day of 10, 1991, at o'clock M.

Zoning Commissioner of Baltimore County.

(over)

10-10-91
CAM

178

"DUPLICATE"

CERTIFICATE OF PUBLICATION

TOWSON, MD. 10/31/91

THIS IS TO CERTIFY, that the annexed advertisement was published in OWINGS MILLS TIMES, a weekly newspaper published in Towson, Baltimore County, Md., once in each of successive weeks, the first publication appearing on 10/31/91.

OWINGS MILLS TIMES,
Publisher

10/31/91

10-10-91
CAM

CHATSORTH PARTNERSHIP

PETITION FOR ZONING VARIANCE
(Continued)

92-170-A

2) Variance from Section 1801.2.C.2.b. to permit a distance of 20' between the centers of facing windows in lieu of the required 40'. (See chart for subject lot numbers)

3) Variance from Section 504 and Section V.B.6.v.(CMDF) to permit distances of 5' and 10' from a window to a side yard lot line in lieu of the required 15'. (See chart for subject lot numbers)

4) Variance from Section 1801.2.C.2.a. to permit a distance of 30' from a tract boundary to a window in lieu of the required 35'. (See chart for subject lot numbers)

5) Variance from Section 504 and Section V.B.6.a.(CMDF) to permit a distance of 15' from a proposed right of way to a window in lieu of the required 25'. (See chart for subject lot numbers)

VARIANCE CHART

VARIANCE	1) BUILDING TO BUILDING	2) WINDOW TO WINDOW	3) WINDOW TO LOT LINE	4) WINDOW TO SIDE YARD	5) WINDOW TO SIDE YARD	VARIANCE	1) BUILDING TO BUILDING	2) WINDOW TO WINDOW	3) WINDOW TO LOT LINE	4) WINDOW TO SIDE YARD	5) WINDOW TO SIDE YARD
REQUIRED	40	40	15	35	25	REQUIRED	40	40	15	35	25
REQUESTED	20	20	5	10	15	REQUESTED	20	20	5	10	15
LOT NO.	1	2	3	4	5	LOT NO.	1	2	3	4	5
1	X	X	X	X	X	1	X	X	X	X	X
2	X	X	X	X	X	2	X	X	X	X	X
3	X	X	X	X	X	3	X	X	X	X	X
4	X	X	X	X	X	4	X	X	X	X	X
5	X	X	X	X	X	5	X	X	X	X	X
6	X	X	X	X	X	6	X	X	X	X	X
7	X	X	X	X	X	7	X	X	X	X	X
8	X	X	X	X	X	8	X	X	X	X	X
9	X	X	X	X	X	9	X	X	X	X	X
10	X	X	X	X	X	10	X	X	X	X	X
11	X	X	X	X	X	11	X	X	X	X	X
12	X	X	X	X	X	12	X	X	X	X	X
13	X	X	X	X	X	13	X	X	X	X	X
14	X	X	X	X	X	14	X	X	X	X	X
15	X	X	X	X	X	15	X	X	X	X	X
16	X	X	X	X	X	16	X	X	X	X	X
17	X	X	X	X	X	17	X	X	X	X	X
18	X	X	X	X	X	18	X	X	X	X	X
19	X	X	X	X	X	19	X	X	X	X	X
20	X	X	X	X	X	20	X	X	X	X	X
21	X	X	X	X	X	21	X	X	X	X	X
22	X	X	X	X	X	22	X	X	X	X	X
23	X	X	X	X	X	23	X	X	X	X	X
24	X	X	X	X	X	24	X	X	X	X	X
25	X	X	X	X	X	25	X	X	X	X	X
26	X	X	X	X	X	26	X	X	X	X	X
27	X	X	X	X	X	27	X	X	X	X	X
28	X	X	X	X	X	28	X	X	X	X	X
29	X	X	X	X	X	29	X	X	X	X	X
30	X	X	X	X	X	30	X	X	X	X	X
31	X	X	X	X	X	31	X	X	X	X	X
32	X	X	X	X	X	32	X	X	X	X	X
33	X	X	X	X	X	33	X	X	X	X	X
34	X	X	X	X	X	34	X	X	X	X	X
35	X	X	X	X	X	35	X	X	X	X	X
36	X	X	X	X	X	36	X	X	X	X	X
37	X	X	X	X	X	37	X	X	X	X	X
38	X	X	X	X	X	38	X	X	X	X	X
39	X	X	X	X	X	39	X	X	X	X	X
40	X	X	X	X	X	40	X	X	X	X	X
41	X	X	X	X	X	41	X	X	X	X	X
42	X	X	X	X	X	42	X	X	X	X	X
43	X	X	X	X	X	43	X	X	X	X	X
44	X	X	X	X	X	44	X	X	X	X	X
45	X	X	X	X	X	45	X	X	X	X	X
46	X	X	X	X	X	46	X	X	X	X	X
47	X	X	X	X	X	47	X	X	X	X	X
48	X	X	X	X	X	48	X	X	X	X	X
49	X	X	X	X	X	49	X	X	X	X	X
50	X	X	X	X	X	50	X	X	X	X	X
51	X	X	X	X	X	51	X	X	X	X	X
52	X	X	X	X	X	52	X	X	X	X	X
53	X	X	X	X	X	53	X	X	X	X	X
54	X	X	X	X	X	54	X	X	X	X	X
55	X	X	X	X	X	55	X	X	X	X	X
56	X	X	X	X	X	56	X	X	X	X	X
57	X	X	X	X	X	57	X	X	X	X	X
58	X	X	X	X	X	58	X	X	X	X	X
59	X	X	X	X	X	59	X	X	X	X	X
60	X	X	X	X	X	60	X	X	X	X	X
61	X	X	X	X	X	61	X	X	X	X	X
62	X	X	X	X	X	62	X	X	X	X	X
63	X	X	X	X	X	63	X	X	X	X	X
64	X	X	X	X	X	64	X	X	X	X	X
65	X	X	X	X	X	65	X	X	X	X	X
66	X	X	X	X	X	66	X	X	X	X	X
67	X	X	X	X	X	67	X	X	X	X	X
68	X	X	X	X	X	68	X	X	X	X	X
69	X	X	X	X	X	69	X	X	X	X	X
70	X	X	X	X	X	70	X	X	X	X	X
71	X	X	X	X	X	71	X	X	X	X	X
72	X	X	X	X	X	72	X	X	X	X	X
73	X	X	X	X	X	73	X	X	X	X	X
74	X	X	X	X	X	74	X	X	X	X	X
75	X	X	X	X	X	75	X	X	X	X	X
76	X	X	X	X	X	76	X	X	X	X	X
77	X	X	X	X	X	77	X	X	X	X	X
78	X	X	X	X	X	78	X	X	X	X	X
79	X	X	X	X	X	79	X	X	X	X	X
80	X	X	X	X	X	80	X	X	X	X	X
81	X	X	X	X	X	81	X	X	X	X	X
82	X	X	X	X	X	82	X	X	X	X	X
83	X	X	X	X	X	83	X	X	X	X	X
84	X	X	X	X	X	84	X	X	X	X	X
85	X	X	X	X	X	85	X	X	X	X	X
86	X	X	X	X	X	86	X	X	X	X	X
87	X	X	X	X	X	87	X	X	X	X	X
88	X	X	X	X	X	88	X	X	X	X	X
89	X	X	X	X	X	89	X	X	X	X	X
90	X	X	X	X	X	90	X	X	X	X	X
91	X	X	X	X	X	91	X	X	X	X	X
92	X	X	X	X	X	92	X	X	X	X	X
93	X	X	X	X	X	93	X	X	X	X	X
94	X	X	X	X	X	94	X	X	X	X	X
95	X	X	X	X	X	95	X	X	X	X	X
96	X	X	X	X	X	96	X	X	X	X	X
97	X	X	X	X	X	97	X	X	X	X	X
98	X	X	X	X	X	98	X	X	X	X	X
99	X	X	X	X	X	99	X	X	X	X	X
100	X	X	X	X	X	100	X	X	X	X	X

X - (APPLICABLE)

receipt

Baltimore County
Zoning Commissioner
County Office Building
111 West Chesapeake Avenue
Towson, Maryland 21204

Date: 10/31/91

Account: R-001-6150
Number: 11-4-91

CHATSORTH PARTNERSHIP

PUBLIC HEARING FEES

QTY: 1

PRICE: \$50.00

TOTAL: \$50.00

LAST NAME OF OWNER: SACKED HEART

PLEASE Make Checks Payable To: Baltimore County

receipt

Baltimore County
Zoning Commissioner
County Office Building
111 West Chesapeake Avenue
Towson, Maryland 21204

Date: 10/31/91

Account: R-001-6150
Number: 11-4-91

CHATSORTH PARTNERSHIP

PUBLIC HEARING FEES

QTY: 1

PRICE: \$50.00

TOTAL: \$50.00

LAST NAME OF OWNER: SACKED HEART

PLEASE Make Checks Payable To: Baltimore County

178

FROM THE OFFICE OF
GEORGE WILLIAM STEPHENS JR. & ASSOCIATES, INC.
ENGINEER
658 KENILWORTH DRIVE, SUITE 100, TOWSON, MARYLAND 21204

Description of Lands of
Sacred Heart Church.

August 19, 1991

Beginning at a point North 43° 41' 38" East 154.38' from the center line intersection of Chatsworth Avenue and Sacred Heart Lane, said point being the southeast corner of the described parcel on the west side of a 25' private alley thence the following courses and distances:

- 1) North 84° 08' 43" West 490.53 feet
- 2) North 05° 51' 17" East 148.50 feet
- 3) North 83° 34' 20" West 294.96 feet
- 4) South 06° 36' 41" West 10.82 feet
- 5) North 89° 18' 49" West 101.76 feet
- 6) South 05° 47' 54" West 128.94 feet
- 7) North 84° 20' 18" West 299.99 feet
- 8) North 06° 24' 52" West 487.11 feet
- 9) North 06° 41' 35" West 700.83 feet
- 10) North 84° 44' 58" East 410.78 feet
- 11) North 78° 50' 08" East 692.69 feet
- 12) South 08° 47' 18" West 1491.92 feet to the point of beginning.

Containing 32.99± acres of land and recorded in Baltimore County Land Records Liber 3414 folio 543.

THIS DESCRIPTION IS FOR ZONING PURPOSES ONLY AND IS NOT INTENDED FOR CONVEYANCE OF LAND.

STATE OF MARYLAND
NOTARY PUBLIC
No. 3020
JAMES E. SCHMIDT
JULY 1981

Baltimore County Government
Office of Zoning Administration
and Development Management
Office of Planning & Zoning

111 West Chesapeake Avenue
Towson, MD 21204

887-3454

DATE: 11-4-91

CHATSORTH PARTNERSHIP
1777 Beltsville Road
Pikesville, Maryland 21208

ATTN: GORDON GREENSTADT

RE:
Case Number: 92-170-A
154.38' Wely of c/l Chatsworth and Sacred Heart Lane
"Sacred Heart Church"
4th Election District - 3rd Councilmanic
Legal owner(s): Most Reverend William H. Keeler, Archbishop of Baltimore
Contract Purchaser: Chatsworth Partnership
HEARING: TUESDAY, NOVEMBER 19, 1991 at 9:00 a.m.

Dear Petitioner(s):

Please be advised that \$117.82 is due for advertising and posting of the above captioned property.

THIS FEE MUST BE PAID. ALSO, THE ZONING SIGN & POST SET(S) MUST BE RETURNED ON THE DAY OF THE HEARING OR THE ORDER SHALL NOT BE ISSUED. DO NOT REMOVE THE SIGN & POST SET(S) FROM THE PROPERTY UNTIL THE DAY OF THE HEARING.

Please forward your check via return mail to the Zoning Office, County Office Building, 111 W. Chesapeake Avenue, Room 113, Towson, Maryland 21204. It should have your case number noted thereon and be made payable to Baltimore County, Maryland. In order to prevent delay of the issuance of proper credit and/or your Order, immediate attention to this matter is suggested.

Laurence E. Schmidt
Laurence E. Schmidt

ZONING COMMISSIONER
BALTIMORE COUNTY, MARYLAND

cc: Newton A. Williams, Esq.

CERTIFICATE OF POSTING

ZONING DEPARTMENT OF BALTIMORE COUNTY
Towson, Maryland

District: 11-4-91

Date of Posting: 10/31/91

Posted for: 11-4-91

Petitioner: Chatsworth Partnership

Location of property: 154.38' Wely of c/l Chatsworth and Sacred Heart Lane

Location of Sign: 154.38' Wely of c/l Chatsworth and Sacred Heart Lane

Remarks: 11-4-91

Posted by: 11-4-91

Date of return: 11-4-91

Number of Signs: 1

NOTICE OF HEARING

The Zoning Commissioner of Baltimore County, by authority of the Zoning Act and Regulations of Baltimore County, will hold a public hearing on the property identified herein in Room 118, Baltimore County Courthouse, 400 Washington Avenue, Towson, Maryland 21204 on Tuesday, November 19, 1991 at 9:00 a.m.

Case Number: 92-170-A
154.38' Wely of c/l Chatsworth and Sacred Heart Lane
"Sacred Heart Church"
4th Election District - 3rd Councilmanic
Legal owner(s): Most Reverend William H. Keeler, Archbishop of Baltimore
Contract Purchaser: Chatsworth Partnership
HEARING: TUESDAY, NOVEMBER 19, 1991 at 9:00 a.m.

Variance to permit a 20 and 25 foot distance between buildings of 30-40 foot in height in lieu of the required 40 feet; to permit a distance of 20 feet between the centers of facing windows in lieu of the required 40 feet; to permit a distance of 5 feet and 10 feet from a window to a side yard lot line in lieu of the required 15 feet; to permit a distance of 15 feet from a proposed right-of-way to a window in lieu of the required 25 feet. (See chart in record for subject lot numbers.)

LAURENCE E. SCHMIDT
Zoning Commissioner of Baltimore County
OJ 10 339 October 31

CERTIFICATE OF PUBLICATION

TOWSON, MD. 10/31/91

THIS IS TO CERTIFY, that the annexed advertisement was published in THE JEFFERSONIAN, a weekly newspaper published in Towson, Baltimore County, Md., once in each of successive weeks, the first publication appearing on 10/31/91.

THE JEFFERSONIAN,
S. Zeke Olson
Publisher

\$92.87

111 West Chesapeake Avenue
Towson, MD 21204

887-3454

OCTOBER 22, 1991

NOTICE OF HEARING

The Zoning Commissioner of Baltimore County, by authority of the Zoning Act and Regulations of Baltimore County will hold a public hearing on the property identified herein in Room 118, Baltimore County Courthouse, 400 Washington Avenue, Towson, Maryland 21204 as follows:

Case Number: 92-170-A
154.38' Wely of c/l Chatsworth and Sacred Heart Lane
"Sacred Heart Church"
4th Election District - 3rd Councilmanic
Legal owner(s): Most Reverend William H. Keeler, Archbishop of Baltimore
Contract Purchaser: Chatsworth Partnership
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Laurence E. Schmidt
Laurence E. Schmidt

Zoning Commissioner of Baltimore County

cc: Sacred Heart Church
Chatsworth Partnership
Newton A. Williams, Esq.

Baltimore County Government
Office of Zoning Administration
and Development Management
Office of Planning & Zoning

111 West Chesapeake Avenue
Towson, MD 21204

887-3353

November 4, 1991

Newton A. Williams, Esquire
Nolan, Plumbhoff & Williams, Chtd
700 Court Towers
210 W. Pennsylvania Avenue
Towson, MD 21204

RE: Item No. 178, Case No. 92-170-A
Petitioner: Sacred Heart Church, et ux
Petition for Zoning Variance

Dear Mr. Williams:

The Zoning Plans Advisory Committee (ZAC) has reviewed the plans submitted with the above referenced petition. The attached comments from each reviewing agency are not intended to assure that all parties, i.e. Zoning Commissioner, attorney and/or the petitioner, are made aware of plans or problems with regard to the proposed improvements that may have a bearing on this case.

Enclosed are all comments submitted thus far from the members of ZAC that offer or request information on your petition. If additional comments are received from other members of ZAC, I will forward them to you. Otherwise, any comment that is not informative will be placed in the hearing file. This petition was accepted for filing on the date of the enclosed filing certificate and a hearing scheduled accordingly.

The following comments are related only to the filing of future zoning petitions and are aimed at expediting the petition filing process with this office.

1) The Director of Zoning Administration and Development Management has instituted a system whereby seasoned zoning attorneys who feel that they are capable of filing petitions that comply with all aspects of the zoning regulations and petitions filing requirements can file their petitions with this office without the necessity of a review by Zoning personnel.

Zoning Plans Advisory Committee Comments
Date: November 4, 1991
Page 2

2) Anyone using this system should be fully aware that they are responsible for the accuracy and completeness of any such petition. All petitions filed in this manner will be reviewed and commented on by Zoning personnel prior to the hearing. In the event that the petition has not been filed correctly, there is always a possibility that another hearing will be required or the Zoning Commissioner will deny the petition due to errors or incompleteness.

3) Attorneys and/or engineers who make appointments to file petitions on a regular basis and fail to keep the appointment without a 72 hour notice will be required to submit the appropriate filing fee at the time future appointments are made. Failure to keep these appointments without proper advance notice, i.e. 72 hours, will result in the loss of filing fee.

Very truly yours,
James E. Dyer
JAMES E. DYER
Chairman
Zoning Plans Advisory Committee

JED:jw

Enclosures

cc: Sacred Heart Church
Chatsworth Partnership

Baltimore County Government
Office of Zoning Administration
and Development Management
Office of Planning & Zoning

111 West Chesapeake Avenue
Towson, MD 21204

887-3353

Your petition has been received and accepted for filing this 10th day of October, 1991.

Arnold Jablon
ARNOLD JABLON
DIRECTOR

Received By:
James E. Dyer
Chairman,
Zoning Plans Advisory Committee

Petitioner: Sacred Heart Church
Petitioner's Attorney: Newton A. Williams

Baltimore County Government
Fire Department

700 East Joppa Road, Suite 901
Towson, MD 21204-5500

(301) 887-4500

OCTOBER 24, 1991

Arnold Jablon
Director
Zoning Administration and
Development Management
Baltimore County Office Building
Towson, MD 21204

RE: Property Owner: CHATEAUX PARTNERSHIP
Location: 154.36 DEED OF CERTIFICATE CHATEAUX
AND SACRED HEART LAND
Item No.: 178 Zoning Agency: OCTOBER 22, 1991
Citation:

Pursuant to your request, the referenced property has been surveyed by this Bureau and the concepts below are applicable and required to be corrected or incorporated into the final plans for the property.

7. The Fire Prevention Bureau has no comments at this time.

Reviewed: *H. J. [Signature]* Bated and
Planning Commission Approved: *[Signature]*
Special Inspection Division Fire Prevention Bureau

JP/SFE

92-170-A No. 9

BALTIMORE COUNTY, MARYLAND
INTER-OFFICE CORRESPONDENCE

TO: Arnold Jablon, Director DATE: October 29, 1991
Zoning Administration and Development Management

FROM: Robert W. Bowling, P.E.

RE: Zoning Advisory Committee Meeting
for October 22, 1991

The Developers Engineering Division has reviewed the subject zoning items and we have no comments for items 124, 167, 168, 169, 170, 173, 176, 178, 179, 180, 184, 186, 187, 188 and 189.

In addition, we have no comments at this time for Item #438 (Case No. 91-466).

For Item 166, we will have no comments until the County Review Group Meeting.

For Item 171, see our County Review Group comments dated October 10, 1991.

For Items 174 and 175, minor subdivision review comments were prepared for this site, dated October 9, 1990.

Item 181 represents a minor subdivision, which should be processed through the minor subdivision procedures.

For Item 182, no comments are necessary on density transfer.

Robert W. Bowling
ROBERT W. BOWLING, P.E., Chief
Developers Engineering Division

RWB:s

92-170-A Nov. 19

BUREAU OF TRAFFIC ENGINEERING
DEPARTMENT OF PUBLIC WORKS
BALTIMORE COUNTY, MARYLAND

DATE: November 6, 1991

TO: Mr. Arnold Jablon, Director
Office of Zoning Administration
and Development Management

FROM: Rahee J. Famili

SUBJECT: Z.A.C. Comments

Z.A.C. MEETING DATE: October 22, 1991

ITEM NUMBER: 178

Please see the C.R.G. comments for this site.

Rahee J. Famili
Rahee J. Famili
Traffic Engineer II

RJF/lvd

92-170-A 11/19

BALTIMORE COUNTY, MARYLAND
INTER-OFFICE CORRESPONDENCE

TO: Arnold Jablon, Director DATE: November 12, 1991
Zoning Administration and
Development Management

FROM: Pat Keller, Deputy Director
Office of Planning and Zoning

SUBJECT: Keeler/Chatsworth Property, Item No. 178
92-170-A

In reference to the applicant's request, staff offers the following comments:

Should the petitioner's request be granted, this office recommends restrictions on the townhome portion of the community be imposed to restrict the length of above-ground decks to eight ft. from the rear wall of any dwelling; accessory structure shall not be permitted; and any fence treatment provided should be done in a manner consistent with the overall design and character of the development.

If there should be any further questions or if this office can provide additional information, please contact Jeffrey Long in the Office of Planning at 887-3211.

PK/JL/rdn
ITEM 178/XXTROZ

PLEASE PRINT CLEARLY

NAME	ADDRESS
<i>Edna Gray</i>	208 Bond Ave. 21136
<i>Beth Harris</i>	60 Sacred Heart Lane 21136
<i>Henry White</i>	227 S. Platanus Dr. 21136
<i>Carole Wilson</i>	412 Butler Rd 21071
<i>Marie Starn</i>	201 Chatsworth 21136
<i>Robert Johnson</i>	107 Wood Ave. 21136
<i>Donald T. [Signature]</i>	208 E. Chatsworth Pl. 21136

PLEASE PRINT CLEARLY

NAME	ADDRESS
<i>Newton Williams</i>	708 Court Towers, 21204
<i>Richard Azrael</i>	8805 Columbia 100 Pkwy 21045
<i>Debbie Jankiewicz</i>	9891 Brokenland Pkwy 21046
<i>J. Steven Smith</i>	688 Kenilworth Dr. 21204
<i>Gordon L. Greenspan</i>	Suite 275 Commerce Bldg. 21208



**PETITIONER'S
EXHIBIT No 7**

GLYDON GATE TOWNHOUSES
CHATEAU BUILDINGS

CDL #187-71 10-24-11

FROM THE OFFICE OF
GEORGE WILLIAM STEPHENS, JR. & ASSOCIATES, INC.
ENGINEERS
303 ALLEGHENY AVENUE, TOWSON, MARYLAND 21204

February 22, 1985

SUMMARY OF QUALIFICATIONS

JOHN STRONG SMITH

EDUCATION

Antioch College, B.S. in Civil Engineering
University of Illinois

QUALIFICATIONS

Professional Engineering Registration in Maryland - 1958.

EXPERIENCE

Whitman, Reardon & Associates
4 years designer of municipal utilities preparation of
Baltimore County Design Standards.

Baltimore County Department of Public Works
Chief, Division of Research and Standards
2 years preparation of Capital Program and Major Sewerage
Reports.

Matz, Childs & Associates of Rockville Associates
Engineer
2 years supervision of Development Planning and Engineering
projects (highway and storm drainage)

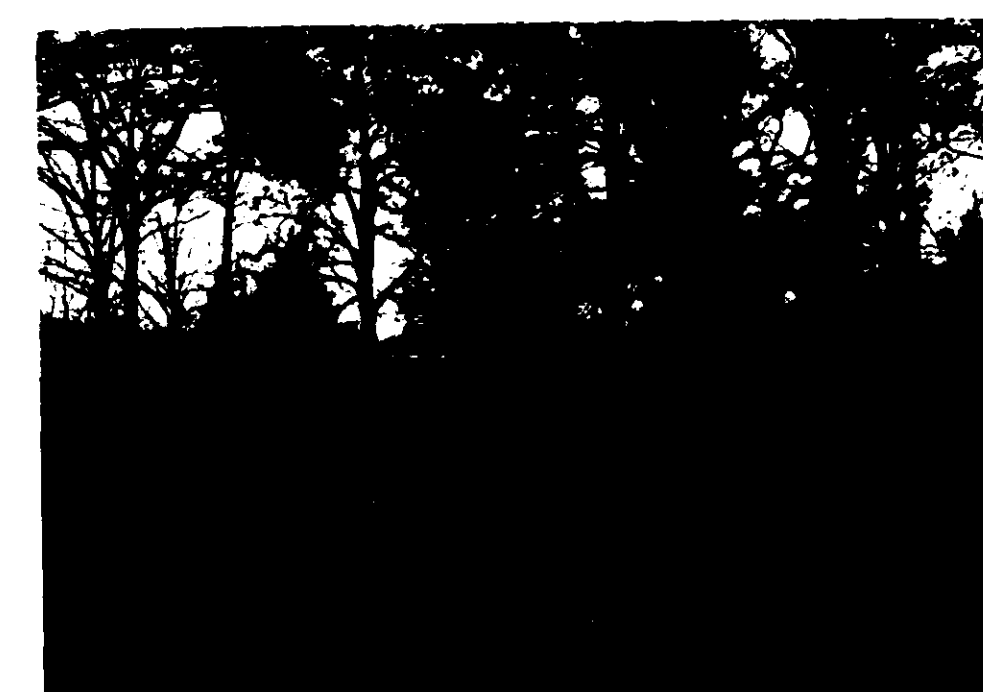
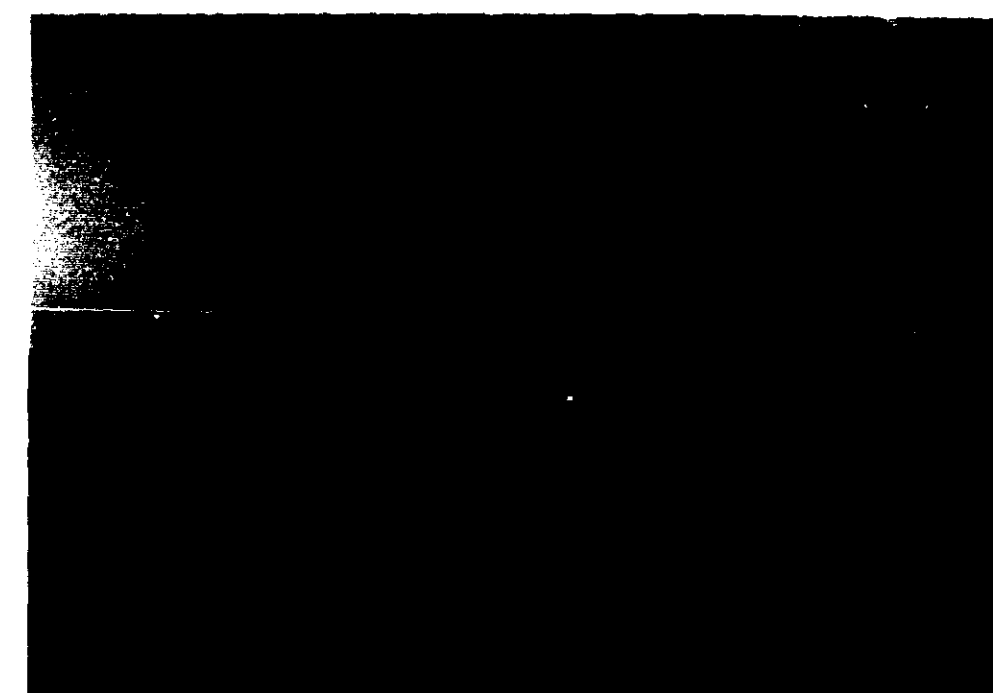
J. Strong Smith & Associates; Consulting Engineer
8 years residential, industrial and commercial land develop-
ment projects. Highway and utility design.

Smith, Teacher & Associates; Planners, Engineers & Surveyors
7 years community planning and engineering, grading and sedi-
ment control design, surveys.

George William Stephens, Jr. & Associates, Inc.
Chief Engineer 1976 to 1984

George William Stephens, Jr. & Associates, Inc.
Chief of Planning and Property Analysis

Have made numerous appearances before Zoning Commissioners,
Boards of Zoning Appeals and in circuit courts in Baltimore,
Anne Arundel and Montgomery Counties.



**PETITIONER'S
EXHIBIT No 8**

CCD

VARIANCE CHART

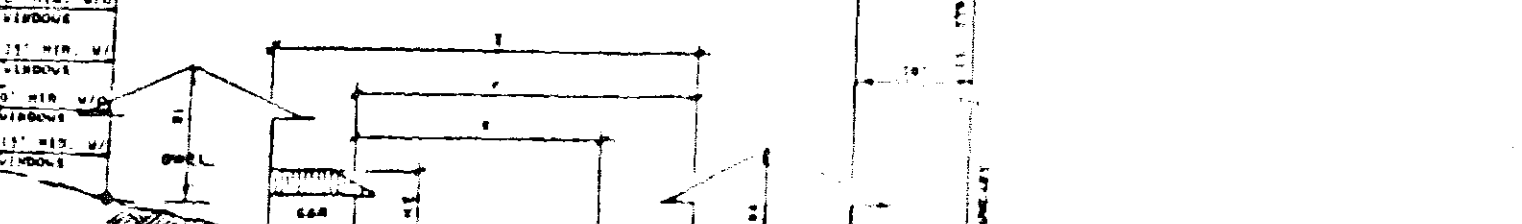
VARIANCE	SECTION 1801.2 C.1					SECTION 1801.2 C.2					SECTION 1801.2 C.3					SECTION 1801.2 C.4				
	REQUIRED	20'	25'	30'	35'	REQUIRED	20'	25'	30'	35'	REQUIRED	20'	25'	30'	35'	REQUIRED	20'	25'	30'	35'
1	X																			
2	X																			
3	X																			
4	X																			
5	X																			
6	X																			
7	X																			
8	X																			
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37	X																			
38	X																			
39	X																			
40	X																			
41	X																			
42	X																			
43	X																			

X - (APPLICABLE)

Revisiting the design of average building height in Section 1801.2 C.1 of the C.U.D.P. and is to be consistent with Section 1801.2 C.1.1. The height is to be determined for all applications of the height distance ratio in the C.U.D.P.

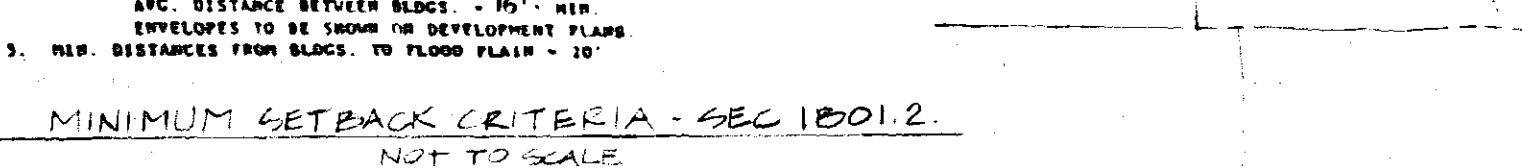
- All building heights will be determined by the application of the height distance ratio of 1:1.
- The lesser height portions of facing elevations (i.e., all) must meet the minimum required separation for distance (1), and the greater height portions (i.e., all) must meet the minimum required separation for distance (2).
- If the different height elevations face each other as shown in distance (1), the greater height (all) will determine the required separation.

MINIMUM SETBACK CRITERIA - SEC 1801.2
NOT TO SCALE

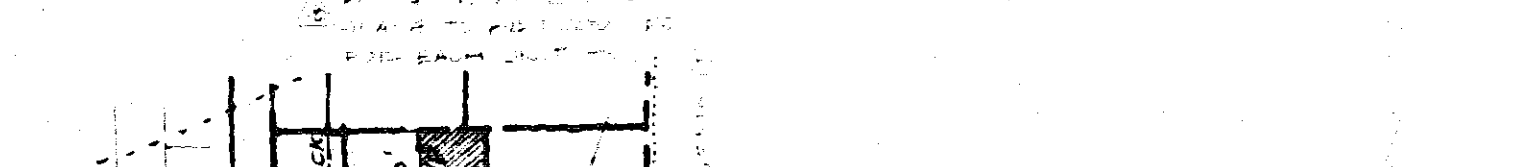


1. FOR HEIGHT LESS THAN 15' - DISTANCE - 10' HIGH
2. FOR HEIGHT OF 15' - DISTANCE - 15' HIGH
3. FOR HEIGHT OF 15' - DISTANCE - 10' HIGH
4. NOTE: TOWNHOUSE IN TRANSITION
MAX. HEIGHT - 15' MAX. WIDTH - 10' MAX. LENGTH - 120'
DISTANCE BETWEEN BLDGS. - 15' & HEIGHT OF THE RICHER BLDG.
5. MIN. DISTANCES FROM BLDGS. TO FLOOD PLAIN - 10'

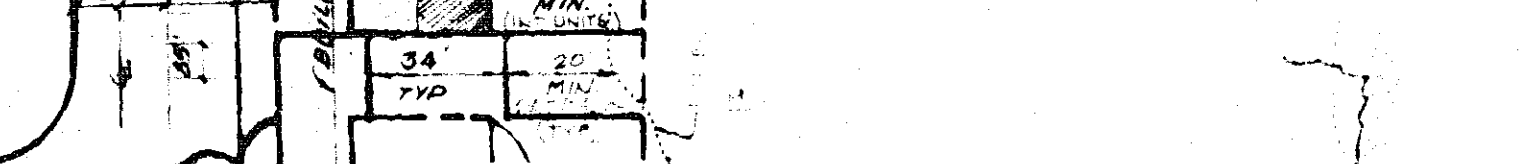
MINIMUM SETBACK CRITERIA - SEC 1801.2
NOT TO SCALE



MINIMUM SETBACK CRITERIA - SEC 1801.2
NOT TO SCALE



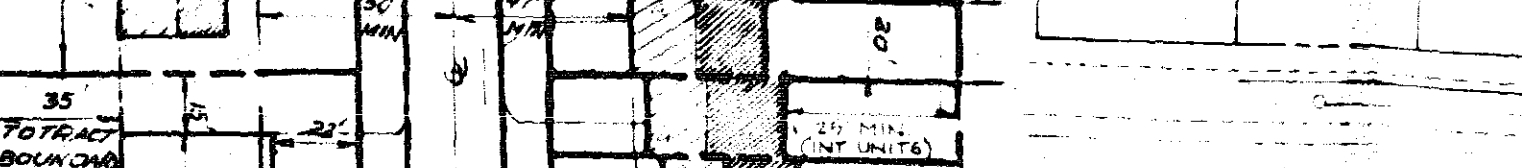
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NOT TO SCALE



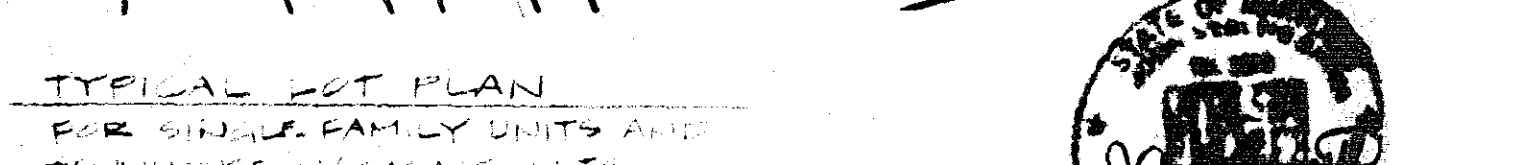
MINIMUM SETBACK CRITERIA - SEC 1801.2
NOT TO SCALE



MINIMUM SETBACK CRITERIA - SEC 1801.2
NOT TO SCALE



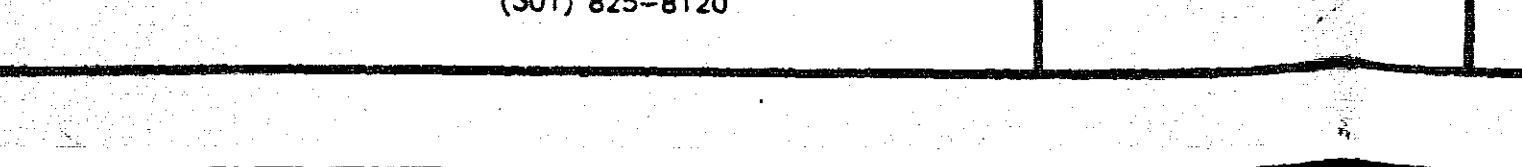
MINIMUM SETBACK CRITERIA - SEC 1801.2
NOT TO SCALE



MINIMUM SETBACK CRITERIA - SEC 1801.2
NOT TO SCALE



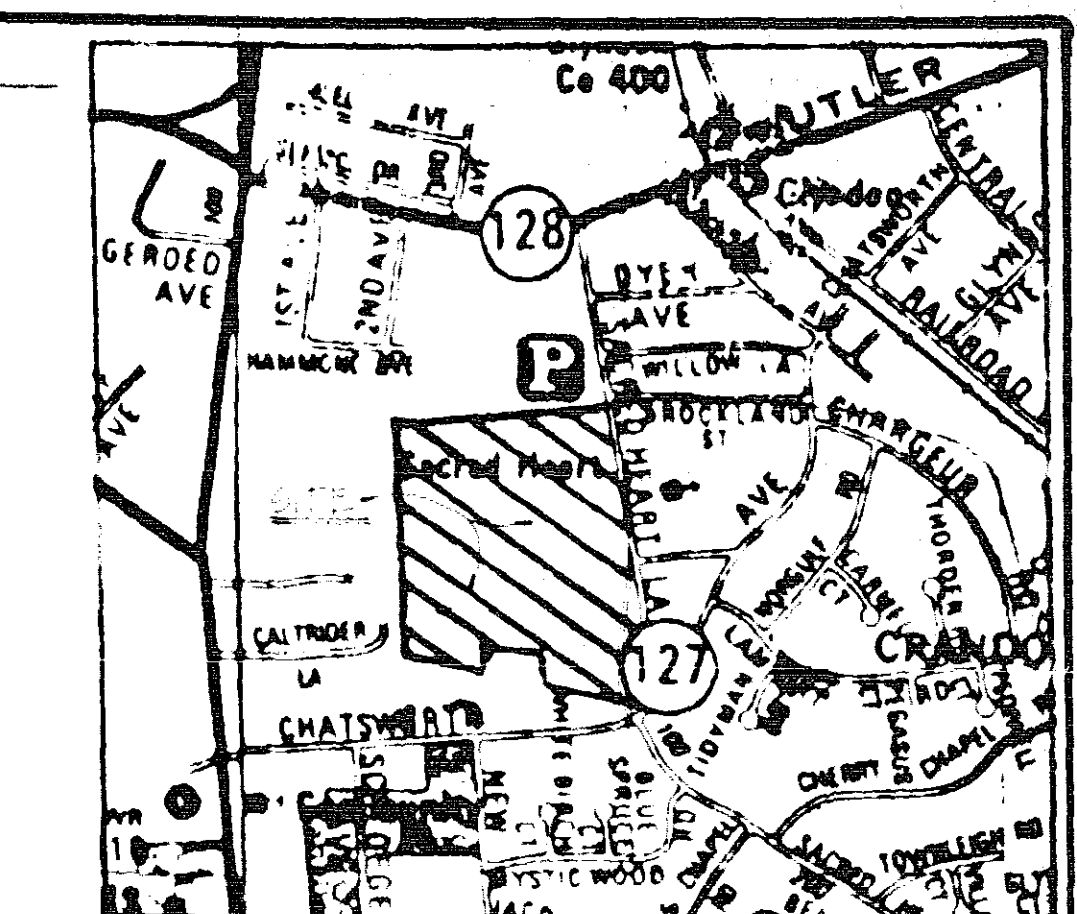
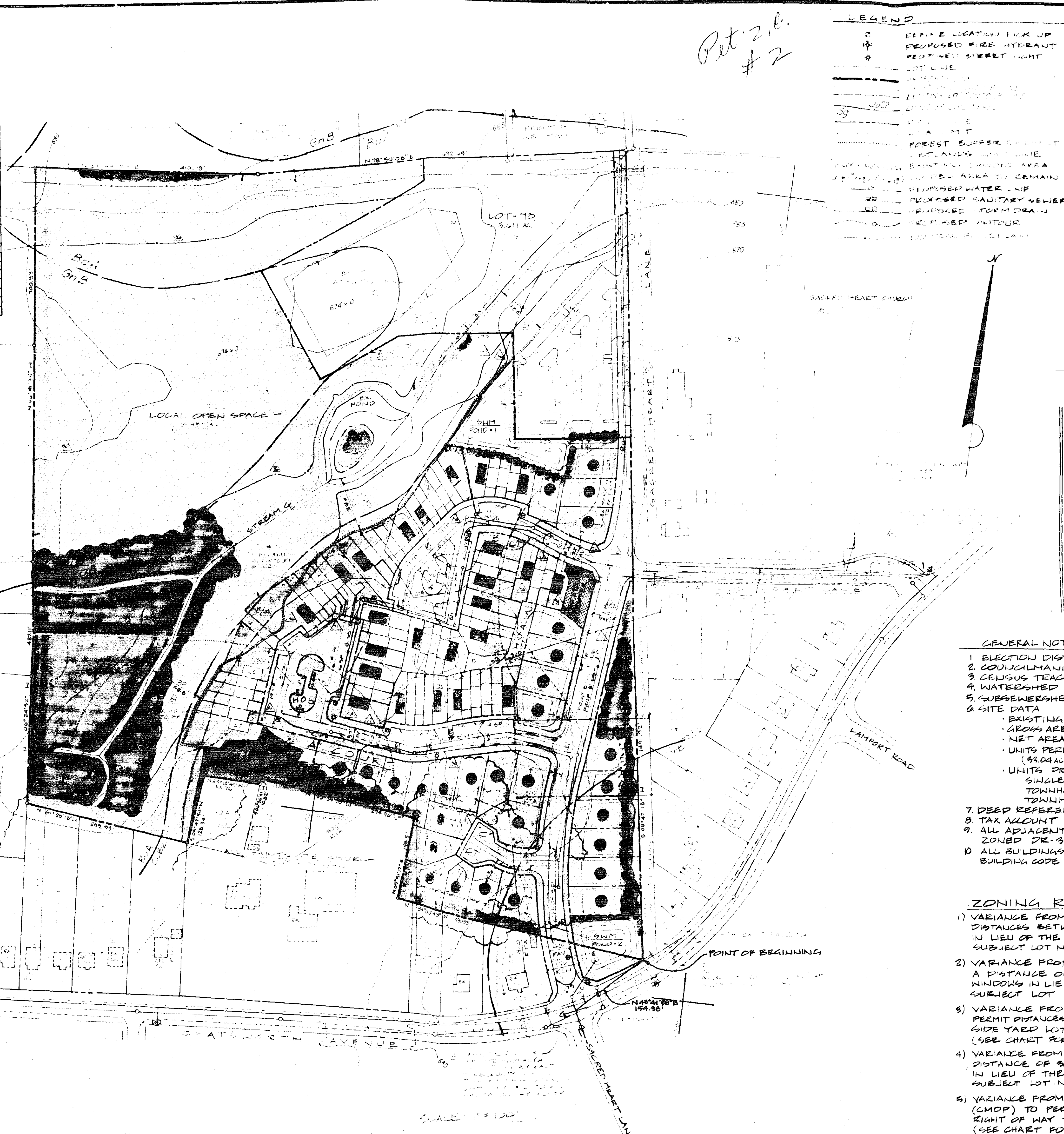
MINIMUM SETBACK CRITERIA - SEC 1801.2
NOT TO SCALE



MINIMUM SETBACK CRITERIA - SEC 1801.2
NOT TO SCALE



MINIMUM SETBACK CRITERIA - SEC 1801.2
NOT TO SCALE



Prior Zoning Hearing
CASE NO. 1801.2 C.1 - THE APPROVAL OF THE SACKED HEART PROPERTY CRG PLAN WAS APPEALED

ORDER
IT IS THEREFORE this 7th day of March, 1991 by the County Board of Appeals of Baltimore County ORDERED that the CRG Plan dated May 10, 1990 as approved be and the same is hereby AFFIRMED.

Any appeal must be made in accordance with Rules 8-1 through 8-13 of the Maryland Rules of Procedure.

COUNTY BOARD OF APPEALS OF BALTIMORE COUNTY
William T. Hackett, Chairman

Charles Clark
C. William Clark

GENERAL NOTES
1. ELECTION DISTRICT - 4
2. COUNCILMANIC DISTRICT - 3
3. CENSUS TRACT - 4044.01
4. WATERSHED - 27
5. SUBWATERSHED - 67
6. SITE DATA
EXISTING ZONING - DE-3.5
GROSS AREA (TOTAL OF SACKED HEART LANE ROW) - 29.04 AC.
NET AREA - 22.30 AC.
UNITS PERMITTED - 27.427 AC. x 9.5 = 96 UNITS
(29.04 AC. - LOT #9B 5.61 AC. = 27.427 AC.)
UNITS PROPOSED - 94 UNITS
SINGLE FAMILY - 29 UNITS
TOWNHOUSE W/OUT GARAGE - 55 UNITS
TOWNHOUSE W/ GARAGE - 10 UNITS
7. DEED REFERENCE - 944/1545
8. TAX ACCOUNT NO. - 0411019027
9. ALL ADJACENT LANDS OF SUBJECT TRACT ARE ZONED DE-3.5
10. ALL BUILDINGS CONSTRUCTED SHALL MEET B.O.C.A. BUILDING CODE & N.F.P.A. FIRE CODE.

ZONING REQUESTS
1) VARIANCE FROM SECTION 1801.2 C.1 TO PERMIT 20' & 25' DISTANCES BETWEEN BUILDINGS OF 30'-40' IN HEIGHT IN LIEU OF THE REQUIRED 40'. (SEE CHART FOR SUBJECT LOT NUMBERS)
2) VARIANCE FROM SECTION 1801.2 C.2, D. TO PERMIT A DISTANCE OF 20' BETWEEN THE CENTERS OF FACING WINDOWS IN LIEU OF THE REQUIRED 40'. (SEE CHART FOR SUBJECT LOT NUMBERS)
3) VARIANCE FROM SECTION 504 AND SECTION V.B.6.6 (CMOP) TO PERMIT DISTANCES OF 5' & 10' FROM A WINDOW TO A SIDE YARD LOT LINE IN LIEU OF THE REQUIRED 15'. (SEE CHART FOR SUBJECT LOT NUMBERS)
4) VARIANCE FROM SECTION 1801.2 C.2.9 TO PERMIT A DISTANCE OF 30' FROM A TRACT BOUNDARY TO A WINDOW IN LIEU OF THE REQUIRED 35'. (SEE CHART FOR SUBJECT LOT NUMBERS)
5) VARIANCE FROM SECTION 504 AND SECTION V.B.6.6 (CMOP) TO PERMIT A DISTANCE OF 15' FROM A PROPOSED RIGHT OF WAY TO A WINDOW IN LIEU OF THE REQUIRED 25'. (SEE CHART FOR SUBJECT LOT NUMBERS)

OWNER
SACRED HEART CHURCH
SACRED HEART LAKE
GALTON MARYLAND

SACKED HEART PROPERTY
ZONING PLAN
TO ACCOMPANY PETITION FOR ZONING VARIANCES
BALTIMORE COUNTY, MARYLAND
PUBLIC SERVICES DEPARTMENT

DATE: 12 SEPT. 1991
PLANNING NO. 1-915

THE SPATSWORTH PARTNERSHIP
217 MILLERS LANE EAST
117 LEBERTSTOWN ROAD
BALTIMORE, MARYLAND 21206
PH: 410-424-1210

FILED
1 OF 1

GEORGE WILLIAM STEPHENS, JR. AND ASSOCIATES, INC.
CIVIL ENGINEERS & LAND SURVEYORS
303 ALLEGHENY AVENUE
TOWSON, MARYLAND 21204
(301) 825-8120

SEAL OF BALTIMORE COUNTY

SEAL OF BALTIMORE COUNTY

SEAL OF BALTIMORE COUNTY

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SEAL OF BALTIMORE COUNTY

SEAL OF BALTIMORE COUNTY

SEAL OF BALTIMORE COUNTY

SEAL OF BALTIMORE COUNTY



GLYNDON GATE

SINGLE FAMILY HOMES
CHATEAU BUILDERS, INC.

PETITIONER'S
EXHIBIT 10-2

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Chateau Builders, Inc.
10000 Chateau Lane
Washington, DC 20000